

**Federal Defenders
OF NEW YORK, INC.**

Southern District
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David E. Parton
Executive Director

May 2, 2017

Southern District of New York
Jennifer L. Brown
Acting A.D.A. in Charge



By Facsimile

Honorable Sarah Netburn
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007
Fax No: (212) 805-4060

DOC # _____

Re: *United States v. Theodore Galitsa, 17 Mag. 3077 (UA)*

Dear Judge Netburn:

I write on consent (Assistant U.S. Attorney Michael Krouse) to respectfully request that the Court modify Mr. Galitsa's release conditions so that the condition of home incarceration with electronic monitoring can be satisfied within one day of Mr. Galitsa's release from ICE custody.

Mr. Galitsa was presented on April 24, 2017 on a Complaint charging him with illegal reentry in violation of 18 U.S.C. § 1326(a); and making false statements to a federal agent, in violation of 18 U.S.C. §1001(a)(2).

Magistrate Judge Fox set conditions of release including the following: (1) a \$50,000 personal recognizance bond co-signed by two financially responsible persons, and secured by \$7,500 in cash or property; (2) surrender of all travel documents; and (3) home incarceration with electronic monitoring. All conditions were to be satisfied before Mr. Galitsa's release.

There is an ICE detainer on Mr. Galitsa, and our expectation is that he will be transferred into ICE custody after being "released" from criminal custody. Pre-trial Services (Josh Rothman) has informed us that Pretrial will not set up the electronic monitoring until Mr. Galitsa has been granted release by ICE. (There is a possibility that Mr. Galitsa will not be released.) Accordingly, it will be impossible for Mr. Galitsa to satisfy the home incarceration condition prior to his release from BOP custody.

We respectfully request that the Court modify bail so that Mr. Galitsa may be released upon satisfaction of the three conditions set forth above. (These conditions have, in fact, already been satisfied.) We further request that the Court indicate that the condition of home incarceration with electronic monitoring must be satisfied within one day of Mr. Galitsa's release from ICE custody.

Application granted.

*So Ordered. D. Meltzer
5/3/2017*

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May 2, 2017

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Re: *United States v. Theodore Galitsa, 17 Mag. 3077 (UA)*

Thank you for your consideration of this request.

Respectfully submitted,

/s/
Martin Cohen
Ass't Federal Defender
Tel.: (212) 417-8737

Cc: Michael Krouse, Esq., by e-mail
Joshua Rothman, Pretrial Services, by e-mail


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FAX COVER SHEET

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